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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,	)	No. CR 11-00738 LHK
	)	
12 Plaintiff,	)	<b>STIPULATION AND <del>PROPOSED</del></b>
	)	<b>ORDER CONTINUING HEARING</b>
13 v.	)	<b>DATE AND EXCLUDING TIME</b>
	)	<b>UNDER THE SPEEDY TRIAL ACT</b>
14 RICARDO NARCISO-BERNAL,	)	
	)	
15 Defendant.	)	
_____	)	

16

17 Defendant and the government, through their respective counsel, subject to the court's  
18 approval, hereby stipulate that the Court continue the status hearing in the above-captioned  
19 matter, presently scheduled for, December 21, 2011 at 10:00 a.m., to February 8, 2012, at  
20 10:00 a.m. The reason for the continuance is defense counsel's unavailability because of a recent  
21 death in defense counsel's family, and continuity of counsel.

22 The parties further agree and stipulate that time should be excluded from and including  
23 December 21, 2011, through and including February 8, 2012, to provide counsel reasonable time  
24 to prepare, pursuant to Speedy Trial Act, 18 U.S.C. §3161(h)(7)(A) and (B)(iv). Accordingly,  
25 the United States and the defendant agree that granting the requested exclusion of time will serve  
26 the interest of justice and outweigh the interest of the public and defendant in a speedy trial.

1 IT IS SO STIPULATED.

2 Dated: December 14, 2011

3 /s/  
MANUEL ARAUJO  
Assistant Federal Public Defender

4 Dated: December 14, 2011

5 /s/  
ANN MARIE URSINI  
Special, Assistant United States Attorney

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7 **~~[PROPOSED]~~ ORDER**

8 GOOD CAUSE APPEARING, and by stipulation of the parties, IT IS HEREBY  
9 ORDERED that the status conference hearing in the above-captioned matter shall be continued  
10 from December 21, 2011, at 10:00 a.m., to February 8, 2012, at 10:00 a.m.

11 THE COURT FINDS that failing to exclude the time between December 21, 2011, and  
12 February 8, 2012, would unreasonably deny the defendant's continuity of counsel, and would  
13 unreasonably deny counsel the reasonable time necessary for effective preparation, taking into  
14 account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

15 THE COURT FURTHER FINDS that the ends of justice served by excluding the time  
16 between December 21, 2011, and February 8, 2012, from computation under the Speedy Trial  
17 Act outweigh the interests of the public and the defendant in a speedy trial.

18 THEREFORE, IT IS HEREBY ORDERED that the period of delay from December 21,  
19 2011, through and including February 8, 2012, be excluded for purposes of Speedy Trial Act  
20 computations pursuant to Title 18, United States Code, Sections 3161(h)(7)(A) and  
21 3161(h)(7)(B)(iv).

22 IT IS SO ORDERED.

23

24 Dated: December 15, 2011

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HONORABLE LUCY H. KOH  
United States District Judge